

REMARKS

Applicant has amended the Background of the Invention to describe the importance of eye alignment in putting and 5 prior art methods for achieving such alignment. Applicant submits that the amendments merely incorporate into the Background of the Invention subject matter that was well known in the prior art and that does not in any way alter the scope or features of the invention. The added matter is 10 disclosed in the Exhibits attached to the enclosed Declaration of the Inventor.

The claims have been amended to reflect language that was found to be allowable by the Canadian Patent Office.

15 The Examiner has rejected the present application, saying that the invention is obvious in light of Pelz, Condon and Jackson.

20 Condon does, as the Examiner says, disclose a number of ball centering indicia on the club head to allow the golfer to align the golf ball with the sweet spot. However, Condon in no way suggests that such centering indicia are of any use in aligning the golfer's eyes over 25 the ball or otherwise. In fact, Condon teaches away from such alignment insofar as the clubhead of Condon is intended to be used as either a putter or a chipper, (see Condon, Abstract and Summary of the Invention) which are two clubs requiring completely different positioning of the 30 golfer's eyes relative to the club.

Applicant submits that Jackson discloses a putter "designed so that the sweet spot on the clubhead is

generally aligned with the golfer's hands," promoting "a golf swing in which the sweet spot and the golfer's hands travel together along the target line" (see Jackson, Abstract, Figs. 1-4, and Summary). Jackson's club actually 5 prevents proper alignment of the golfer's eyes over the ball, because alignment of the hands over the target line and sweet spot as taught by Jackson would block the golfer' view of the club head and ball when he looks down. This is in complete contradiction to the teaching of the present 10 invention. In short, the present invention is designed to align the golfer's eyes over the ball, whereas Jackson aligns the golfer's hands over the ball.

The Examiner states that Pelz discloses that a golfer 15 can be properly aligned with respect to the club head by selecting one of the transverse markings to align with the index marker. The Examiner further states that it would have been obvious in view of Condon and Jackson to one having ordinary skill in the art to modify the golf putter 20 of Pelz in order to provide a putter with proper alignment of the transverse marking with the centerline marking. Applicant submits that mere alignment of the transverse marking with the centerline marking is not at issue here. In Applicant's invention, as defined by claim 1, the 25 transverse marking and the centerline marker are positioned so that the golfer's eyes are positioned over the ball. Such alignment is neither discussed, nor suggested by Pelz, Condon or Jackson. Applicant notes that the Office Action makes no mention of alignment of the golfer's eyes, which 30 is a key element of the present invention and which is recited in claim 1.

Applicant submits herewith a Declaration of the Inventor, to which are attached as Exhibits A-C, copies of pages 66-67, 240-241, 264-265, 269 and 369 from "Dave Pelz's Putting Bible" (published June 2000) and two articles from Golf Magazine, also written by Dave Pelz (May 1995 and June 1995).

Exhibit A shows that Pelz, the inventor of the U.S. Pat. No. 3,549,300, believes that a golfer's eyes must be over the ball in order to putt properly. This is confirmed in Exhibits B and C. Applicant submits that Pelz is one of the premier authorities on putting and, as such, is skilled in the art and aware of numerous techniques for practicing and improving putting technique.

Applicant submits that the Examiner's assertion that it would be obvious to combine Pelz, Condon and Jackson to come up with the invention of claim 1 is contradicted by the enclosed Declaration of the Inventor and Exhibits. In the Exhibits, Dave Pelz uses a number of techniques and training aids (e.g. laser beams, strings suspended horizontally above the putter head, Putting Track, having a friend stand behind you) to help golfers to align their eyes over the centerline/target line of the club. Despite applying his energy and expertise to the issue of eye alignment, Dave Pelz, one of the premier golfing authorities and inventor of the Pelz reference, has not been able to come up with the present invention.

Therefore, Applicant submits that it is not obvious.

Applicant submits that Exhibits A-C of the Inventor's Declaration show that there has been a long-felt but unsolved need for a means to aid golfers to achieve proper positioning of their eyes over the ball. Furthermore,
5 Applicant submits that Exhibits A-C show the failure of others, namely Pelz, to come up with the present invention.

Favourable consideration of this application is respectfully solicited.

10

Respectfully submitted,

15

Dated: April 19, 2005

By:


Clifford W. Vermette
Reg. No. 30,018
Attorney for Applicant

20

c/o Vermette & Co.
Box 40 Granville Square
230 - 200 Granville Street
Vancouver, British Columbia
25 Canada V6C 1S4
Tel: (604) 331 - 0381